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DRAFT -- Jan. 29, 1996

Q & As

1. Why is the industry focusing only on one issue, that of the FDA'S authority, and not on the larger issue of combating youth smoking?

Because we are opposed to kids smoking, period. As far as we're concerned, we're ready to work with anyone who truly wants to make a difference on that issue. But that agency cannot be the FDA because it is absolutely barred by Congress from regulating cigarettes.

2. Isn't the real issue for the industry the proposed regulations that limit your ability to advertise?

That is a major issue for us, yes. It's a major issue because these regulations have virtually nothing to do with kids and everything to do with prohibiting the industry from advertising our legal products to adult smokers. If we as a country still recognize commercial free speech, then these regulations have to send chills down the spines of everyone who is concerned about growing government power.

3. Does this ruling today have any impact on the FDA's timing or the agency's decision to go forward?

Those are questions for Commissioner Kessler.

4. Does the industry plan to ask the court in this case to block the FDA from issuing final regulations while this case is pending?

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At this moment, we are focusing on what we believe to be the dispositive issue: the FDA's lack of legal authority to issue any regulations at all.

5. Some people on the other side say this decision today was predictable because the companies hand picked the judge. How do you respond?

That suggestion is an insult to the federal judiciary. The companies filed this case in this district because it is the only judicial district in the country where all the major cigarette companies have operations.

6. In your statements, you say that the FDA's real agenda is the eventual prohibition on cigarettes. What is your evidence for this? Dr. Kessler says just the opposite, that he has no such plan or goal.

A close look at the proposed regulations will reveal the FDA's true position. In the agency's won words, it describes how it believes it has the power to send federal agents into stores and remove cigarettes from the shelves. Over and over since August, Commissioner Kessler he has refused to confront questions about his true agenda, and that is to deprive 50 million adult Americans of their right to choose to smoke. We have demonstrated as a company that we are committed to preventing children from having access to cigarettes, but these so-called regulations have little, if anything, to do with kids smoking. This is truly a battle over the right of adult Americans to choose to smoke or not to smoke.

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